

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---|---|--------------------------------|
| FREEDOM FROM RELIGION | : | |
| FOUNDATION, INC., DOE 4, by Doe 4's | : | |
| next of friend and parent Doe 5, who also | : | |
| sues on Doe 5's own behalf, | : | |
| | : | Civil Action No. 2:12-cv-01406 |
| Plaintiffs, | : | |
| vs. | : | |
| | : | |
| CONNELLSVILLE AREA SCHOOL | : | |
| DISTRICT, | : | JURY TRIAL DEMANDED |
| | : | |
| Defendant. | : | |
| | : | |

DEFENDANT'S RESPONSE TO PLAINTIFFS' CONCISE STATEMENT OF FACTS

AND NOW, come the Defendant, by and through their attorneys, John W. Smart, Esquire, Amie A. Thompson, Esquire, and the law firm of Andrews & Price, LLC and file the within Response to Plaintiffs' Concise Statement of Facts:

The Origins of the Ten Commandments Monument

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

The Location of the Ten Commandments Monument

16. Admitted.

17. Paragraph 17 is denied. There is no evidence that the Monument faced a student entrance to the building. Exhibit T provides that, originally, the Monument “faced a student parking lot in what was the Sr. High . . . Now that it is a Jr. students rarely see it or few are aware of it.” (Pl. Ex. T, September 7, 2012 Email Chain, Connellsville 00907).

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

Doe Plaintiffs’ Encounters with and Complaints regarding the Ten Commandments Monument

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted.

30. Admitted.

31. The Ten Commandments Monument was visible from the parking lot that Doe 5 utilized. (Pl. Ex. M, 47).

32. Admitted.

33. Admitted.

34. Admitted.

35. Admitted.

36. Admitted.

37. Admitted.

38. Admitted.

39. Admitted.

40. Admitted.

41. Admitted.

42. Admitted.

Connellsville Area School District's Response to Doe Plaintiffs' Complaints

43. Admitted.

44. Admitted.

45. Admitted.

46. Admitted.

47. Admitted.

48. Admitted.

49. Admitted.

50. Admitted.

51. Admitted.

52. Admitted.

53. Admitted.

54. Denied. It is specifically denied that Superintendent Lujetic commented, confidentially, that he, two CASD Board members (Jon Detwiler, CASD Board President, and Gary Wandel), and the CASD Director of Buildings and Grounds “talked to the pastor of the church next to the high school [(the Church of God)] . . . and he is willing to ask his board if they are supportive of moving [the Ten Commandments Monument] to their property right next to the high school.”

55. Admitted.

56. Admitted

57. Admitted.

58. Admitted.

59. Admitted.

60. Admitted.

61. Admitted.

62. Admitted.

63. Admitted.

64. Admitted.

65. Admitted.

66. Admitted.

67. Admitted

- 68. Admitted.
- 69. Admitted.
- 70. Admitted.
- 71. Admitted.
- 72. Admitted.
- 73. Admitted.
- 74. Admitted.
- 75. Admitted
- 76. Admitted.
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- 78. Admitted.
- 79. Admitted.
- 80. Admitted.
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- 83. Admitted
- 84. Admitted.
- 85. Admitted.
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- 87. Admitted.
- 88. Admitted.
- 89. Admitted.
- 90. Admitted.

91. Admitted

92. Admitted.

93. Admitted.

94. Admitted.

95. Admitted.

96. Admitted.

97. Admitted.

98. Admitted.

99. Admitted

100. Admitted.

101. Admitted.

Community Response to Doe Plaintiff's Complaints

102. Admitted.

103. Admitted.

104. Admitted.

105. Admitted.

106. Admitted.

107. Admitted

108. Admitted

109. Admitted.

110. Denied. "The bus, sponsored by The Heritage Foundation and the Family research Council, is in the final stages of an 11-month, nationwide tour promoting conservative ideals", not religious ideals. (Pl. Ex. II, PP128).

111. Denied. According to the news article, the speakers were from the Heritage Foundation and the Family research Council. They were not “members of the Values Bus”. (Pl. Ex. II, PP128).

112. Admitted.

113. Admitted.

114. Admitted.

115. Admitted.

116. Admitted.

117. Admitted

118. Admitted

119. Admitted.

120. Admitted.

121. Admitted.

122. Admitted.

Respectfully submitted,

ANDREWS & PRICE, LLC

By: /s/ John W. Smart

John W. Smart, Esq.
PA I.D. #43592

/s/ Amie A. Thompson

Amie A. Thompson, Esq.
PA I.D. #309345
1500 Ardmore Boulevard, Ste. 506
Pittsburgh, PA 15221
412-243-9700

Attorneys for Defendant